

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

Oct 20 2014
JULIA C. MURRAY, CLERK
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UHURU'SEKOW OBATAIYE-ALLAH,) CASE NO. 7:14CV00159
)
Plaintiff,)
v.) MEMORANDUM OPINION
)
)
HAROLD CLARK, ET AL.,) By: Glen E. Conrad
) Chief United States District Judge
Defendant(s).)

The plaintiff, Uhuru'Sekou Obataiye-Allah, has filed a motion for preliminary injunctive relief and temporary restraining order, alleging various complaints about recent events at Red Onion State Prison. Upon review of the record, the court finds that the motion must be denied.

The court construes the plaintiff's submission as a motion seeking interlocutory injunctive relief directing unspecified officials to transfer the plaintiff away from western Virginia, based on allegations of retaliation. Interlocutory injunctive relief "may never issue to prevent an injury or harm which not even the moving party contends was caused by the wrong claimed in the underlying action." Omega World Travel v. TWA, 111 F.3d 14, 16 (4th Cir. 1997); In re Microsoft Antitrust Litig., 333 F.3d 517, 526 (4th Cir. 2003).

The plaintiff does not allege that the potential harm he seeks to prevent through an interlocutory injunction arises from the past wrongs he has claimed against the defendants named in Case No. 7:14CV00159, based on events in December 2013. Rather, the plaintiff alleges a new set of claims, primarily against other officials who are not parties to this lawsuit, claiming that, in August and September 2014, they destroyed some of his legal materials, refused to process his grievances, interfered with his outgoing mail, placed him on strip cell status, made verbal threats against him, or refused to change his classification status, in retaliation for his use

of the grievance process and his pursuit of this lawsuit. Because the plaintiff bases his motion for interlocutory relief on entirely new claims, his motion must be denied in this pending case. However, the court will direct the clerk to file the motion as a new and separate civil action. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 17th day of October, 2014.

Asuncion

Chief United States District Judge